DO NOT ENTER

-D 3/9/2006

REMARKS

Please reconsider the application in view of the above amendments and the following remarks.

In the claims:

Claims 1-40 are pending in the application. Applicants have amended claims 1 and 23. Applicants have canceled claims 2, 6-11, 19-22, 24, 30 and 32.

As currently amended, claims 1, 12, 23, and 33 are independent claims. The remaining claims depend directly or indirectly from claims 1, 12, 23, and 33.

Rejection(s) under 35 U.S.C. § 102

Claims 1, 12, 23 and 27 are rejected under 35 U.S.C. §102(b) are rejected as being anticipated by CEMEX's Delivery Management System and Method as evidenced by three references cited by the Examiner. These references are: Reference A – Meyer, Christopher, Role Models (1996); Reference B – Petziner, Thomas et al., The Front Lines (1996) and Reference C – Slywotzky, Andrew, Concrete Solution (2000). The Applicants respectfully traverse the Examiner's assertions.

The cited references are articles that appear to describe the operations of a Mexican company called CEMEX. Although related to the same company and subject matter, the references are separate and distinction articles. 35 U.S.C. 102(b) states that 'a person shall be entitled to a patent unless the invention was patented or described in a printed publication in this country or a foreign. Applicants submit that the cited reference is not one printed publication.

With regard to the Examiner's assertions that the CEMEX system describes the features of claim 1 of the present invention, Applicants assert that the CEMEX system does not describe the step of generating a delivery route for the processed order. None of the cited references describe the generating of a delivery route for a processed order. As described in paragraph [0029] of U.S. patent publication 20030036938 for this invention, the delivery route is determined either jointly by the S&H, the supplier and the business

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